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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/687,567
Filing Date	October 15, 2003
First Named Inventor	Mark G. Frei
Art Unit	3736
Examiner Name	TBD
Total Number of Pages in This Submission	1
	Attorney Docket Number

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08a (4 pages) with copies of article references; Certificate of Express Mailing (1 page); Return Receipt Postcard
	Remarks	The Commissioner is authorized to charge any fees in connection with this correspondence to Deposit Account No. 19-0733. A duplicate of this sheet is enclosed.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Banner & Witcoff, Ltd. Binal J. Patel, Registration No. 42,065	
Signature		
Date	November 23, 2004	

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**PATENT**

THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 011738.00135)

In re U.S. Patent Application of : )  
Frei et al. )  
Application No. 10/687,567 ) Examiner: TBD  
Filed: October 15, 2003 ) Art Unit: 3736  
For: Timed Delay For Redelivery of )  
Treatment Therapy For A Medical )  
Device System )

## **INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
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Pursuant to 37 C.F.R. Section 1.97-1.98, Applicants wish to make the following references listed on the enclosed Forms PTO/SB/08A and PTO/SB/08B of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56.

Applicants believe no fees are due in connection with the filing of this Information Disclosure Statement. However, the Commissioner is hereby authorized to charge any fees that may be due or credit any overpayment of fees to our Deposit Account No. 19-0733.

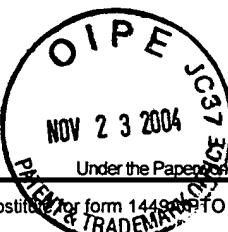
Respectfully submitted,

## **BANNER & WITCOFF, LTD.**

Dated: Nov. 23, 2004

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Substitute for form 1449, USPTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

4

Complete if Known	
Application Number	10/687,567
Filing Date	October 15, 2003
First Named Inventor	Mark G. Frei
Art Unit	3736
Examiner Name	TBD

Attorney Docket Number 011738.00135

### U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Document Number Number - Kind Code <sup>2</sup> (if known)	Issue/Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-3522811	08/04/1970	Schwartz et al.	
		US-3850161	11/26/1974	Saul Liss	
		US-3863625	02/04/1975	Viglione et al.	
		US-3967616	07/06/1976	Sidney A. Ross	
		US-3993046	11/23/1976	Fernandez et al.	
		US-4019518	04/26/1977	Maurer et al.	
		US-4038536	07/26/1977	Paul L. Feintuch	
		US-4295474	10/20/1981	Robert E. Fischell	
		US-4373527	2/15/1983	Robert E. Fischell	
		US-4417592	11/29/1983	John E. Roy	
		US-4566464	01/28/1986	Piconne et al.	
		US-4581758	04/08/1986	Coker et al.	
		US-4610259	09/09/1986	Cohen et al.	
		US-4702254	10/27/1987	Jacob Zabara	
		US-4944299	07/31/1990	Sergiu Sulvian	
		US-5311869	05/19/1992	Nappholz et al.	
		US-5269303	12/14/1993	Wernicke et al.	
		US-5299569	04/05/1994	Wernicke et al.	
		US-5311876	05/17/1994	Olsen et al.	
		US-5335657	08/09/1994	Terry Jr. et al.	
		US-6473639	10/24/2002	Fischell et al.	
		US-6480743	11/12/2002	Kirkpatrick et al.	
		US-6560486	05/06/2003	Osorio et al.	
		US-6591138	07/08/2003	Ficshell et al.	
		US-6597954	07/22/03	Pless et al.	
		US-6647296	11/11/2003	Fischell et al.	
		US-2002/0013614	01/31/2002	David L. Thompson	

Examiner Signature	Date Considered

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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/687,567
(Use as many sheets as necessary)				Filing Date	October 15, 2003
				First Named Inventor	Mark G. Frei
				Art Unit	3736
				Examiner Name	TBD
Sheet	2	of	4	Attorney Docket Number	011738.00135

U.S. PATENT DOCUMENTS				
Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document
		Number - Kind Code <sup>2</sup> (if known)	MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5487754	01/30/1996	Snell et al.
		US- 5626145	05/06/1997	Clapp et al.
		US- 5683422	11/04/1997	Mark T. Rise
		US- 5713922	02/03/1998	Gary William King
		US- 5713923	02/03/1998	Ward et al.
		US- 5716377	02/10/1998	Rise et al.
		US- 5720770	02/24/1998	Nappholz et al.
		US- 5743860	04/28/1998	Hively et al.
		US- 5752976	05/19/1998	Duffin et al.
		US- 5792186	08/11/1998	Mark T. Rise
		US- 5978702	11/02/1999	Ward et al.
		US- 5995868	11/30/1999	Dorfmeister et al.
		US- 6016449	01/18/2000	Fischell et al.
		US- 6018682	01/25/2000	Mark T. Rise
		US- 6066163	05/23/2000	Michael Sasha John
		US- 6083248	07/04/2000	David L. Thompson
		US- 6094598	7/25/2000	Elsberry et al.
		US- 6117066	09/12/2000	Abrams et al.
		US- 6128537	10/03/2000	Mark T. Rise
		US- 6128538	10/03/2000	Fischell et al.
		US- 6134474	10/17/2000	Fischell et al.
		US-6200265	03/13/2001	Walsh et al.
		US- 6224549	05/01/2001	Win Van Drongelen
		US- 6227203	05/08/2001	Rise et al.
		US- 6230049	05/08/2001	Fischell et al.
		US- 6337997	01/08/2002	Mark T. Rise
		US- 6341236	01/22/2002	Osorio et al.
		US- 6353754	03/05/2002	Fischell et al.
		US- 6356784	03/12/2002	Lozano et al.
		US- 6360122	03/19/2002	Fischell et al.
		US- 6366813	04/02/2002	Daniel J. Di Lorenzo
		US- 6374140	04/16/2002	Mark T. Rise
		US- 6427086	07/30/2002	Fischell et al.
		US- 6459936	10/01/2002	Fischell et al.
		US- 6466822	10/15/2002	Benjamin D. Pless
		US- 6473639	10/24/2002	Fischell et al.

Examiner Signature	Date Considered
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Substitute for form 1449B/PTO		<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<i>Application Number</i>	10/687,567
<i>(Use as many sheets as necessary)</i>		<i>Filing Date</i>	October 15, 2003
		<i>First Named Inventor</i>	Mark G. Frei
		<i>Art Unit</i>	3736
		<i>Examiner Name</i>	TBD
Sheet	3	of	4
		<i>Attorney Docket Number</i>	011738.00135

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Alan V. Oppenheim & Ronald W. Schafer, Digital Signal Processing, Prentice-Hall, Inc., Englewood Cliffs, New Jersey, pg. 18-24. 1975.	
		Gotman J., & Gloor, P., "Automatic Recognition and Quantification of Interictal Epileptic Activity in the Human Scalp EEG", Electroencephalography and Clinical Neurophysiology, 41:513-529. 1976.	
		B. Litt and J. Echaz, "Prediction of Epileptic Seizures", 1 The Lancet Neurology 22 May 2002.	
		H. Qu & J. Gotman, "A Seizure Warning System For Long-term Epilepsy Monitoring", 45 Neurology 2250, 1995.	
		J. Gotman, "Automatic Recognition of Epileptic Seizures in the EEG", 54 Electroencephalography and Clinical Neurophysiology at 530-540, 1982.	
		Lapkin et al., "The Electroencephalogram in Childhood Basilar Artery Migraine", 27 Neurology 580-583, June 1977.	
		Murro et al., "Computerized Seizure Detection of Complex Partial Seizures", 79 Electroencephalography and Clinical Neurophysiology 330-333, 1991.	
		P. Rajna and C. Lona, "Sensory Stimulation for Inhibition of Epileptic Seizures", 30(2) Epilepsia 168-174, 1989.	
		R.P. Lesser et al., "Brief Bursts of Pulse Stimulation Terminate Afterdischarges Caused by Cortical Stimulation", Neurology 53, December 1999.	
		Webber, W.R.S. et al., "Automatic EEG Spike Detection: What Should the Computer Imitate", 87 Electroencephalography and Clinical Neurophysiology 330-333, 1993.	
		Grassberger, Peter et al., "Characterization of Strange Attractors" Vol. 50, No.5., The American Physical Society, January 31, 1983.	

Examiner Signature		Date Considered	
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet

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Application Number	10/687,567
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First Named Inventor	Mark G. Frei
Art Unit	3736
Examiner Name	TBD

Attorney Docket Number 011738.00135

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
		Lasemidis, L. D. and Sackellares, J. C. "Chaos Theory and Epilepsy". The Neuroscientist, 2:118--126, 1996.<retrieved from <a href="http://citeseer.ist.psu.edu/iasemidis96chaos.html">http://citeseer.ist.psu.edu/iasemidis96chaos.html</a> >		
		Elger, Christian E., et al., "Short Communication: Seizure Prediction By Non-Linear Time Series Analysis of Brain Electrical Activity" European Journal of Neuroscience, Vol. 10, pgs. 786-789 (1998)		
		Gotman, J., "Seizure Recognition and Analysis", Montreal Neurological Institute and Deartment of Neurology and Neurosurgery, McGill University, Montreal, Quebec. H3A 2B4 (Canada)		
		Vachtsevanos, G.J., et al. "Neuro-Fuzzy Approaches to Decision Making: A Comparative Study With An Application to Check Authorization" Journal of Intelligent and Fuzzy Systems, Vol. 6, pgs. 259-278 (1998)		
		Osorio, Ivan, et al., "Real-Time Automated Detection and Quantitative Analysis of Seizures and Short-Term Prediction of Clinical Onset" Epilepsia, Vol. 39(6) pgs. 615-627, (1998)		

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